IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 1651 OF 2004

Vijay Suresh Taware ... Petitioner

Vs.

State of Maharashtra ... Respondent

Mr. Prakash Naik for the petitioner.

Mr. U.V.Nikam, APP, for the State.

CORAM: S.K.SHAH,J.

DATE : 19th April,2006.

P.C.

1. By this Application, the petitioner only challenges the order passesd by the learned Additional Chief Metropolitan Magistrate, 2nd Court, Mazgaon, Mumbai, directing the petitioner to produce evidence before him. His grievance is that the Magistrate should have issued direction under Section 153(3) of Cr.P.C. and should have sent the papers to the police for enquiry.

2. I do not find any merit in the Application. It is the discretion of the Magistrate. The Magistrate has rightly exercised it.

The Application is, therefore, dismissed.

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(S.K.SHAH,J.)